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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,154	01/21/2004	Wen-Shen Lin	14193 B	6467
23595	7590	01/09/2006	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			AYRES, TIMOTHY MICHAEL	
		ART UNIT		PAPER NUMBER
				3637

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/763,154	LIN ET AL.
	Examiner	Art Unit
	Timothy M. Ayres	3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 January 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

This is a first office action on the merits of application SN 10/763154.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The term "juxtaposed" in claim 10 is a relative term which renders the claim indefinite. The term "juxtaposed" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear how close together the two support units need to be to meet the limitation of juxtaposed.

4. The term "spaced from each other" in claim 11 is a relative term which renders the claim indefinite. The term "spaced from each other" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear how close to together the two support units can be and still meet the limitation of spaced from each other.

Claim Rejections - 35 USC § 102

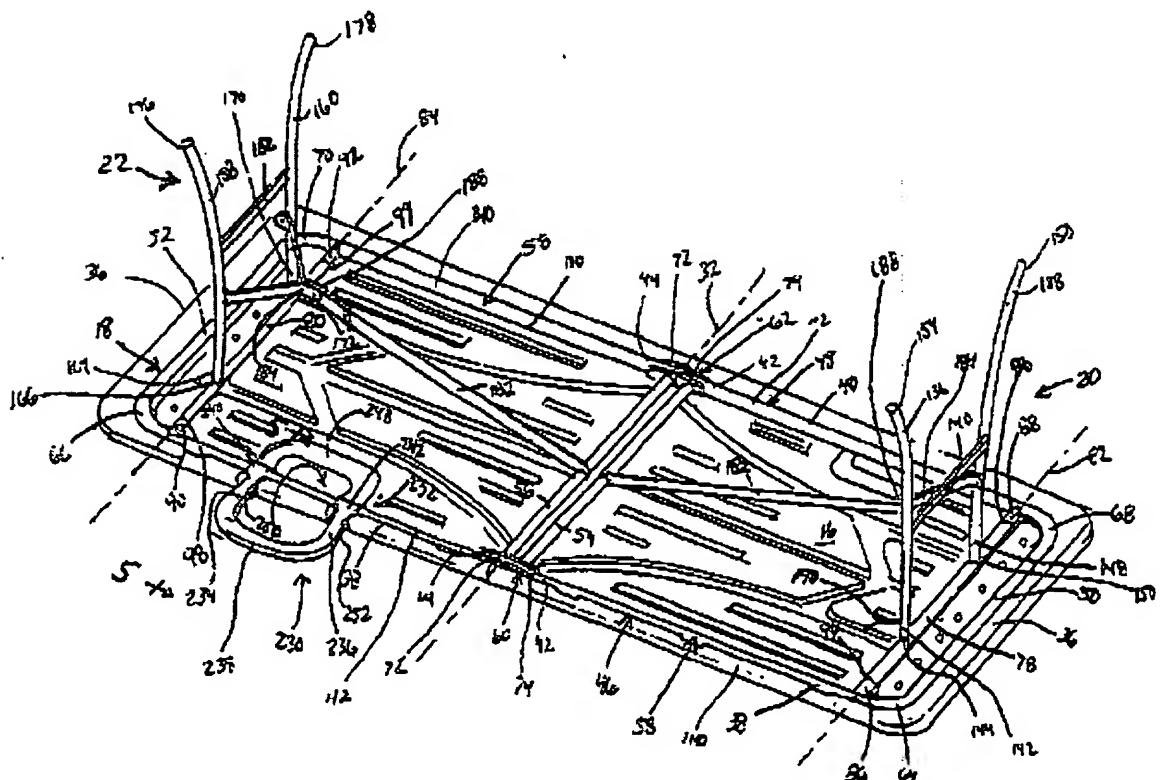
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4-6, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Publication 2002/0092445 to Glover et al. Glover discloses a blow molded table (10) that is made of a table board and is supported by two opposite support units (22, 20) that are foldably mounted in the receiving space on the bottom (16) of the table boards as seen in figure 2. The "circular" table recited in the preamble is undefined through the body of the claims and the circular portions at the four corners of the table of Glover as best seen in figures 1 and 2 meets the circular limitation. Support stands (136, 138, 78, 158, 160, 80) are pivotally mounted on the ends of the table and a support member (180) is pivotally attached to the mediate of the table board and to the support stand. The support stand of each of the two supports has an auxiliary locking member (140,162). The support member (180) of each support units (22, 20) has a support bar (182, 54, 56) having a first end pivotally mounted on the middle

portion of the table board and is substantially T-shaped. An extension bar (184) having a first end pivotally mounted on the second end of the support bar (182) and a second end of the extension bar (184) pivotally mounted on the support stand and is substantially V-shaped. The support stands are in alignment with each other. The support bars (54, 56) are juxtaposed with a space between them. A plurality of receiving recesses for receiving the support stand and the support member when the support unit is folded is formed in the receiving space as seen in figure 2. The receiving space has two opposite sides with support tubes (38, 40).

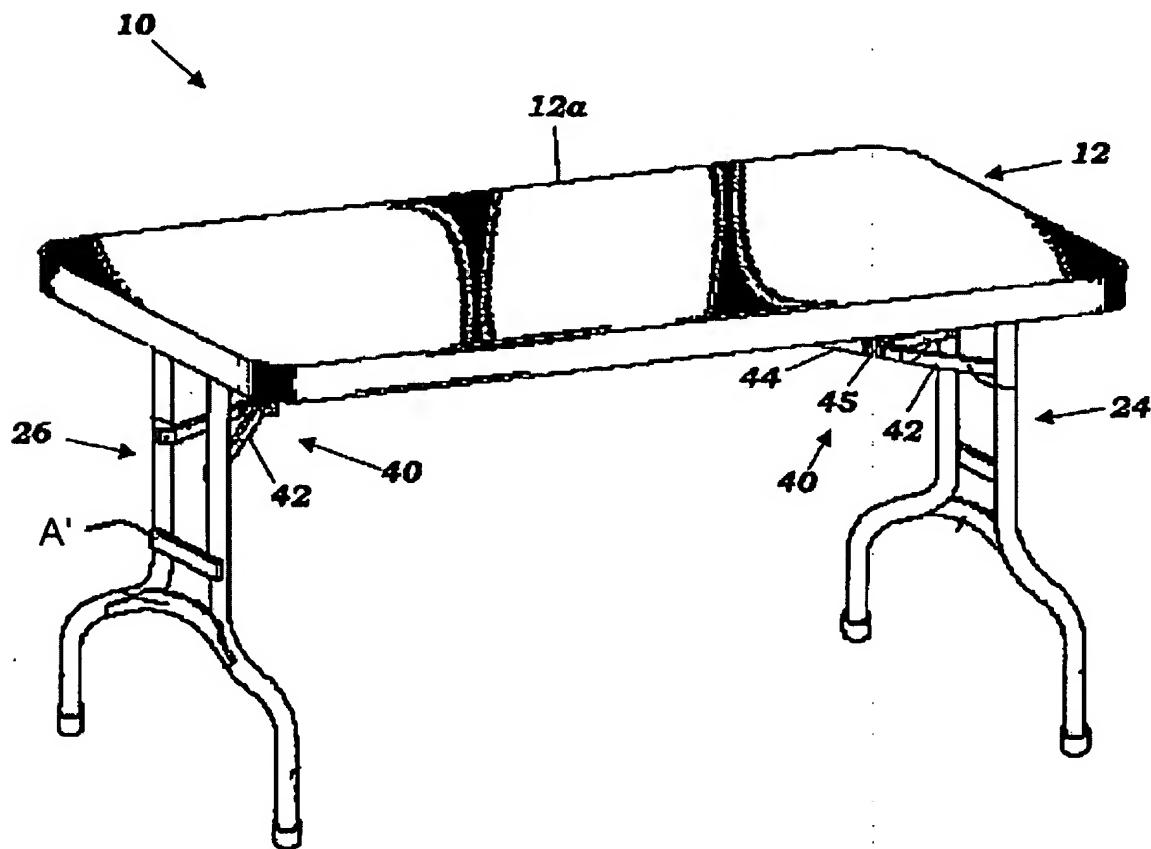


Glover '445 Figure 2

7. Claims 1-6 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,823,806 to Buono. Buono '806 discloses a blow molded table (10) that is made of a table board (12) and is supported by two opposite support units (24,26) that are foldably mounted on the bottom of the table board (12b). The bottom of the table (12b) is formed with a receiving space (22) as best seen in figure 3 with the two support units (24, 26) mounted therein (Col. 3, line 15-24). A support stand (50) is pivotally mounted on the ends of the table and a support member (40) is pivotally attached to the mediate of the table board (12b) and to the support stand (50). The support stand (50) of each of the two support units (24,26) has an auxiliary reinforcement member (A') as seen in marked up figure 1 below. The support member (40) of each support units (24, 26) has a support bar (44, 46) having a first end pivotally mounted on the middle portion (48) of the table board (12b) and is substantially T-shaped. An extension bar (42) having a first end pivotally mounted on the second end of the support bar (44, 46) and a second end of the extension bar (42) pivotally mounted on the support stand (50) and is substantially V-shaped. The support stands are in alignment with each other. The support bars (46) are juxtaposed with a space between them as seen in figure 2. A plurality of receiving recesses for receiving the support stand (50) and the support member (40) of each support unit (24,26) when they are folded are formed in the receiving space (22) as seen in figure 4. The receiving space (22) has two opposite sides with support tubes (32) which is secured by a plurality of bolts or screws tot the table (12) (Col. 5, lines 40-48).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

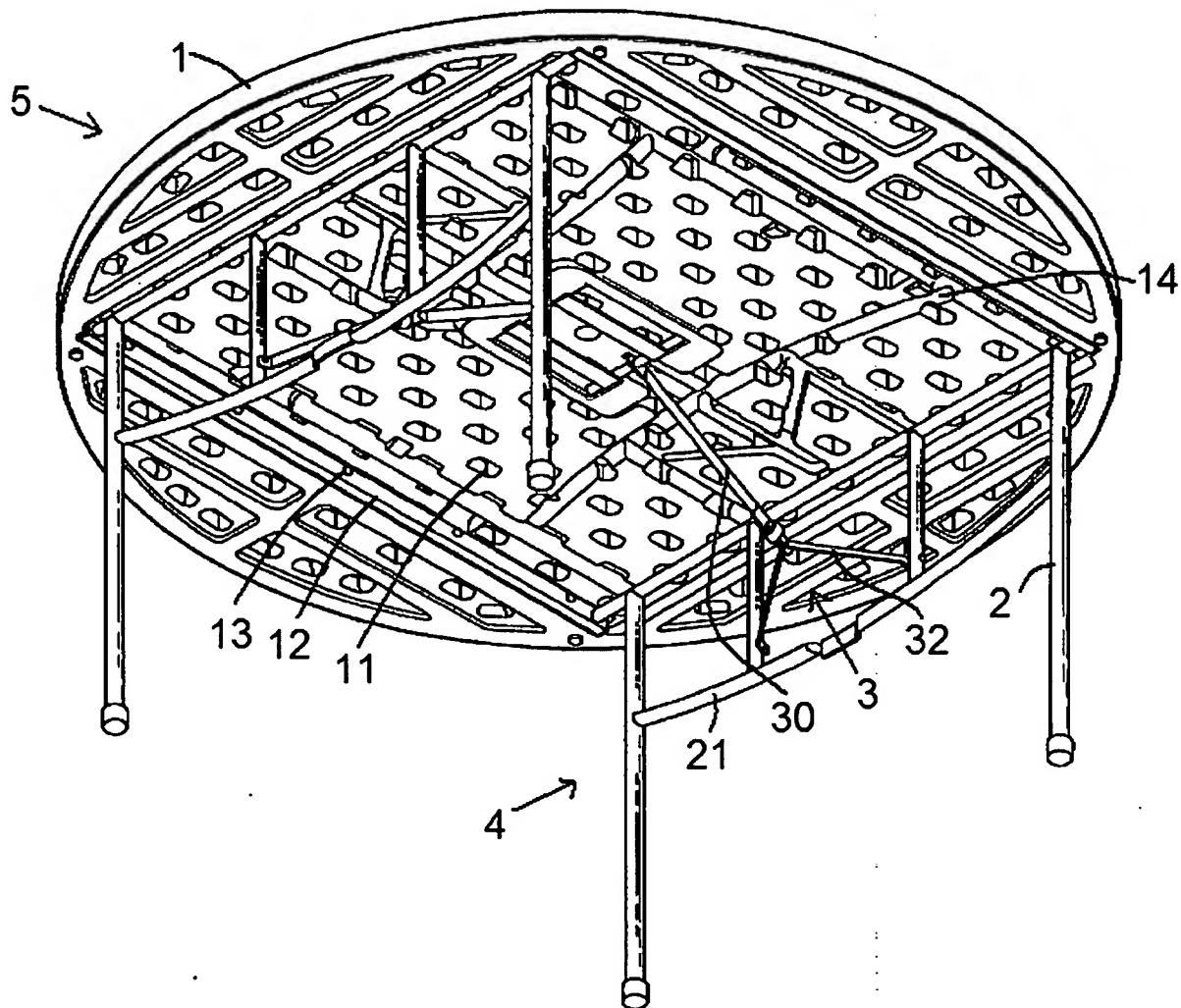


Buono '806 Figure 1

8. Claims 1,4-6, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Design Patent 480,580 to Buono. As shown in marked up figure 2 below Buono '580 discloses a circular table (5), comprising a table board (1), and two opposite support units (4) each foldably mounted on a bottom of the table board (1), wherein: the bottom of the table board (1) is formed with a receiving space (11), and each of the two support units (4) is mounted in the receiving space (11) of the table board and includes a support stand (2) pivotally mounted on one of two ends of the table board (1), and a support member (3) pivotally mounted on a mediate of the table board (1) and pivotally connected with the support stand (2). The support stand (2) of each of the two support units (4) is provided with an auxiliary locking member (21), and the support member (3) of each of the support units (4) includes a support bar (30) having a first end pivotally mounted on the mediate portion of the table board (1), and an extension bar (32) having a first end pivotally mounted on a second end of the support bar (30) and a second end pivotally mounted on the auxiliary locking member (21) of the support stand (2). The support bar (30) is substantially T-shaped. The extension bar (32) is substantially V-shaped. The two support units (4) are juxtaposed to each other and are spaced from each other. The receiving space (11) of the table board (1) is formed with a plurality of receiving recesses (14) for receiving the support stand (2) and the support member (3) of each of the support units (4) when being folded. A support frame member (12) is provided on two opposite side of the receiving space (11) and is attached via a plurality of screws (13).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.



Buono '580 Figure 2

Claim Rejections - 35 USC § 103

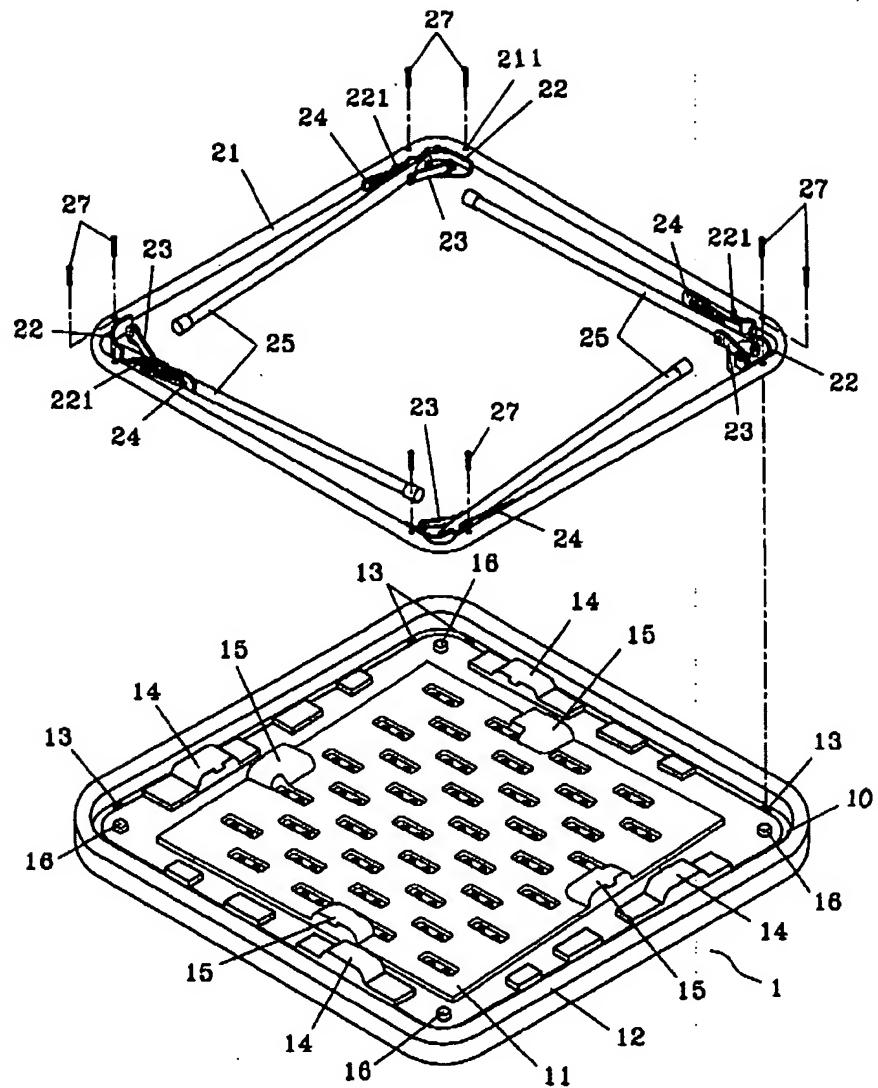
9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2002/0092445 to Glover et al. in view of US Patent 6,659,021 to Wen. Glover discloses every element as claimed and discussed above including the receiving space with two opposite sides having support tubes (38, 40). Glover does not expressly disclose the support tube secured to the table by a plurality of screws. Wen discloses a table with a receiving space formed underneath. Around the edge of the receiving space is a support tube (21) attached to the table by a plurality of screws (27) as best seen in figure 1. At the time of the invention it would have been obvious for a person of ordinary skill in the art to attach the support tube of Glover to the table with screws as taught by Wen since it is well known to use screws to securely fasten an object making it sturdier.



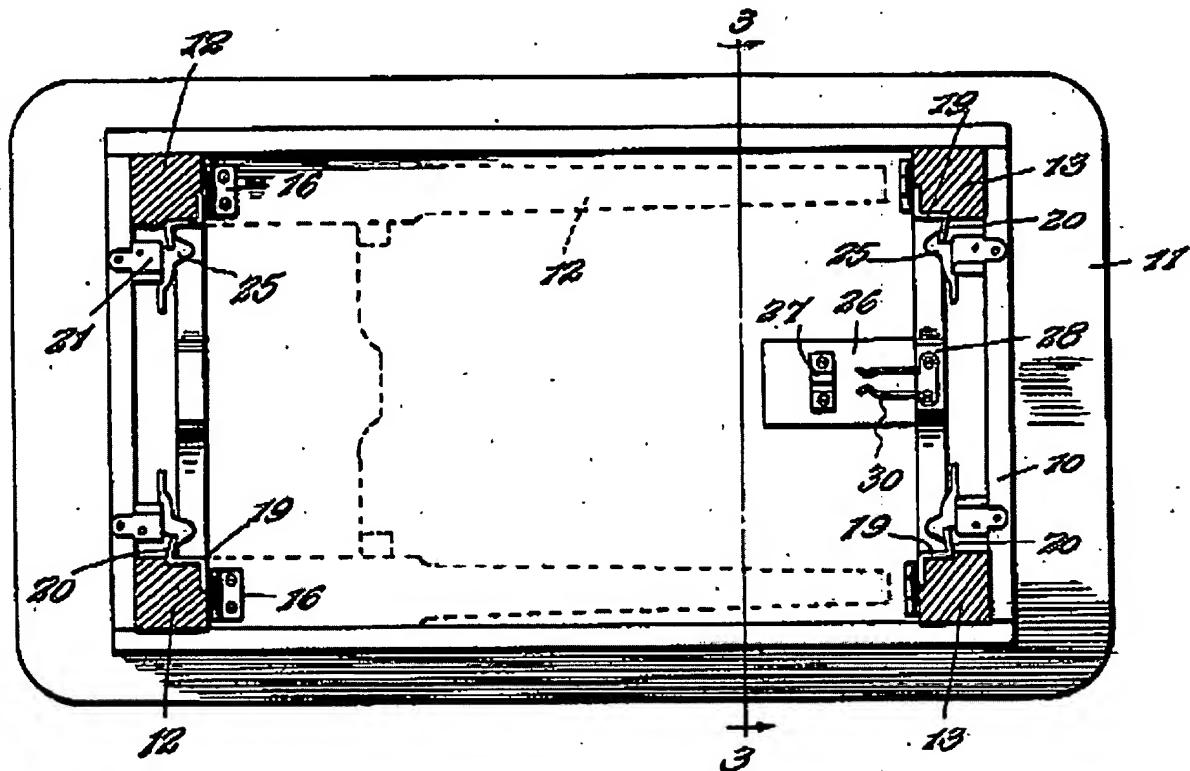
Wen '021 Figure 1

12. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Design Patent 480,580 to Buono in view of US Patent 6,659,021 to Wen. Buono '580 discloses every element as claimed and discussed above except the receiving space of the table board has two opposite sides each provided with a support tube and

secured by a plurality of screws. Wen discloses a table with a receiving space formed underneath. Around the edge of the receiving space is a support tube (21) attached to the table by a plurality of screws (27) as best seen in figure 1. At the time of the invention it would have been obvious for a person of ordinary skill in the art to replace the support frame member of Buono '580 with a support tube attached via screws as taught by Wen since it is well known to use a tube structure and screws to securely fasten an object making it sturdier.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2002/0092445 to Glover et al. in view of US Patent 1,959,725 to Lindsay. Glover discloses every element as claimed and discussed above except the reinforcement member having a mediate portion formed with a substantially c-shaped holder clamped to the support bar when the support member and support stand are folded. Lindsay discloses a folding table with support unit (13) including a reinforcement member (15). On the reinforcement member (15) is a c-shaped frame holder (30) that clamps a head member (27) mounted to the table. At the time of invention it would have been obvious for a person of ordinary skill in the art to use the teaching of Lindsay to add the c-shaped frame holder on to the reinforcement member of Glover's table and add the head member on to the support member so that when the table is folded the legs will be secured making the table easier to handle. Lindsay in view of Glover does not disclose the c-shaped frame holder on both support units. At the time of invention it would have been obvious for a person of ordinary skill in the art to add another one to

the second support unit of Glover since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.



Lindsay '725 Figure 1

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,823,806 to Buono in view of US Patent 1,959,725 to Lindsay. Buono '806 discloses every element as claimed and discussed above except the reinforcement member having a mediate portion formed with a substantially c-shaped holder clamped to the support bar when the support member and support stand are folded. Lindsay discloses a folding table with support unit (13) including a reinforcement member (15).

On the middle portion of the reinforcement member (15) is a c-shaped frame holder (30) that clamps a head member (27) mounted to the table. At the time of invention it would have been obvious for a person of ordinary skill in the art to use the teaching of Lindsay to add the c-shaped frame holder on to the reinforcement member of Buono's '806 table and add the head member on to the support member so that when the table is folded the legs will be secured making the table easier to handle. Lindsay in view of Buono '806 does not disclose the c-shaped frame holder on both support units. At the time of invention it would have been obvious for a person of ordinary skill in the art to add another one to the second support unit of Buono '806 since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

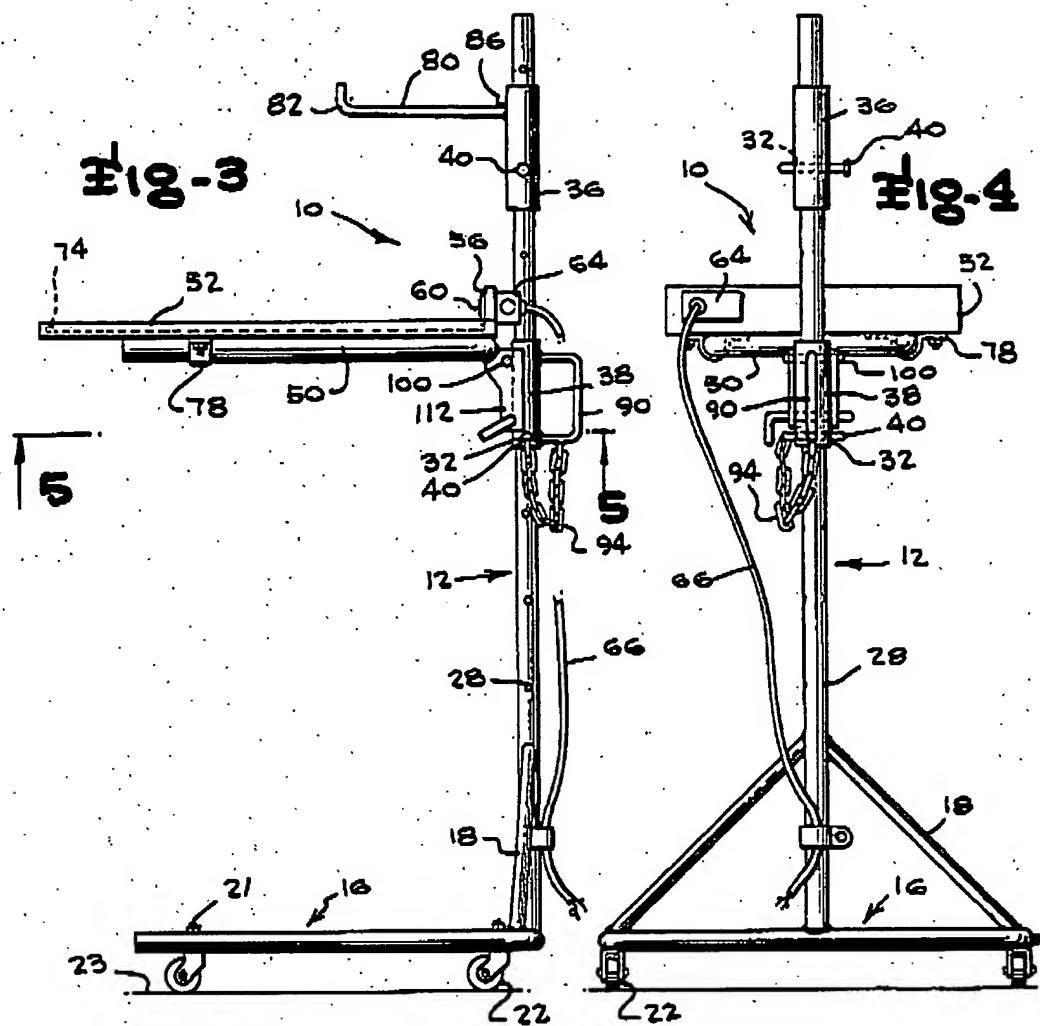
St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

15. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Design Patent 480,580 to Buono in view of US Patent 1,959,725 to Lindsay. Buono '580 discloses every element as claimed and discussed above except the reinforcement member having a mediate portion formed with a substantially c-shaped holder clamped to the support bar when the support member and support stand are folded. Lindsay discloses a folding table with support unit (13) including a reinforcement member (15). On the middle portion of the reinforcement member (15) is a c-shaped frame holder (30) that clamps a head member (27) mounted to the table. At the time of invention it would have been obvious for a person of ordinary skill in the art to use the teaching of Lindsay to add the c-shaped frame holder on to the reinforcement member of Buono's '580table

and add the head member on to the support member so that when the table is folded the legs will be secured making the table easier to handle. Lindsay in view of Buono '580 does not disclose the c-shaped frame holder on both support units. At the time of invention it would have been obvious for a person of ordinary skill in the art to add another one to the second support unit of Buono '580 since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

16. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2002/0092445 to Glover et al. in view of US Patent 4,488,497 to Bevans. Glover '445 discloses every element as claimed and discussed above except the support member of each of the support units further including two auxiliary support bars each mounted on the support bar and in a substantially V-shaped manner. Beavans teaches a tray assembly (10) having a vertical rigid support member (12) having its lower end attached to a U-shaped base (16). As shown in figure 4, the upright member (12) and the base 16) create a T-shape. Two auxiliary support bars (18) attach from the base (16) to the upright (12) in a substantially V-shaped manner to add a degree of rigidity to the vertical member (12) (Col. 3, lines 37-36). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the support bar of Glover '445 by adding two auxiliary support bars in a substantially V-shaped manner as taught by Bevans to add rigidity to a T-shaped support.



Bevans '497 Figure 3

Bevans '497 Figure 4

17. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,823,806 to Buono in view of US Patent 4,488,497 to Beavans. Buono '806 discloses every element as claimed and discussed above except the support member of each of the support units further including two auxiliary support bars each mounted on the support bar and in a substantially V-shaped manner. Beavans teaches a tray

assembly (10) having a vertical rigid support member (12) having its lower end attached to a u-shaped base (16). As shown in figure 4, the upright member (12) and the base (16) create a T-shape. Two auxiliary support bars (18) attach from the base (16) to the upright (12) in a substantially V-shaped manner to add a degree of rigidity to the vertical member (12) (Col. 3, lines 37-36). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the support bar of Buono '806 by adding two auxiliary support bars in a substantially v-shaped manner as taught by Bevans to add rigidity to a T-shaped support.

18. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Design Patent 480,580 to Buono in view of US Patent 4,488,497 to Bevans. Buono '580 discloses every element as claimed and discussed above except the support member of each of the support units further including two auxiliary support bars each mounted on the support bar and in a substantially V-shaped manner. Beavans teaches a tray assembly (10) having a vertical rigid support member (12) having its lower end attached to a u-shaped base (16). As shown in figure 4, the upright member (12) and the base (16) create a T-shape. Two auxiliary support bars (18) attach from the base (16) to the upright (12) in a substantially V-shaped manner to add a degree of rigidity to the vertical member (12) (Col. 3, lines 37-36). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the support bar of Buono '580 by adding two auxiliary support bars in a substantially v-shaped manner as taught by Bevans to add rigidity to a T-shaped support.

Double Patenting

19. Claims 1-7 and 10-12 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-7 and 9-11 of copending Application No. 10/763,151. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: The structures of the tables are identical except that this application states in the preamble that the invention is a circular table while application 10/763,151 states it is a blow-molded table. A circular table is capable of being a blow-molded table and vice-versus. There isn't any structure recited in the body of either set of claims that limits the inventions to or from being a blow-molded or circular table, making these terms interchangeable.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

20. Claims 8 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 and 9-11 of

copending Application No. 10/763,151 in view of US Patent 4,488,497 to Bevans. Application 10/763,151 discloses every element as claimed and discussed above except the support member of each of the support units further including two auxiliary support bars each mounted on the support bar and in a substantially V-shaped manner. Beavans teaches a tray assembly (10) having a vertical rigid support member (12) having its lower end attached to a U-shaped base (16). As shown in figure 4, the upright member (12) and the base (16) create a T-shape. Two auxiliary support bars (18) attach from the base (16) to the upright (12) in a substantially V-shaped manner to add a degree of rigidity to the vertical member (12) (Col. 3, lines 37-36). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the support bar of Application 10/763,151 by adding two auxiliary support bars in a substantially V-shaped manner as taught by Bevans to add rigidity to a T-shaped support.

This is a provisional obviousness-type double patenting rejection.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 1,905,219 to Crichton discloses a folding table with a substantially C-shaped holder that clamps the legs. US Patent Publication 2003/0233968 to Strong discloses a table with receiving space that has a C-shaped holder to clamp the legs in place. US Patent 6,550,404 to Stanford discloses a table with legs in staggered manner. US Patent publication 2004/0031422 to Wong discloses

a table with receiving recess to receive the folded legs of the table. US Patent Publication 2004/0244656 to Shenghao discloses a table with a receiving space and receiving recess and the support members substantially as claimed. US Patent 1,560,913 to Johnson discloses a c-shaped holder clamped to the legs. US Patent 5,279,233 to Cox discloses a c-shaped holder that is part of the support member and clamps the table leg. US Patent 6,041,722 to Baker discloses a foldable table that has leaf that change the table from a rectangular shape to a circular shape. US Patent 4,559,878 to Colby discloses a circular table that has two support units. US Patent 5,678,491 to Price discloses a plastic circular table that has a frame structure similar to that s claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA
12/12/05




JAMES O. HANSEN
PRIMARY EXAMINER